

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION**

VIRTAMOVE, CORP.,

Plaintiff,  
v.

HEWLETT PACKARD ENTERPRISE  
COMPANY,

Defendant.

Case No. 2:24-cv-00093-JRG  
(Lead Case)

**JURY TRIAL DEMANDED**

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VIRTAMOVE, CORP.,

Plaintiff,  
v.

INTERNATIONAL BUSINESS MACHINES  
CORP.,

Defendant.

Case No. 2:24-CV-00064-JRG  
(Member Case)

**JURY TRIAL DEMANDED**

**DECLARATION OF MACKENZIE PALADINO IN SUPPORT OF PLAINTIFF  
VIRTAMOVE, CORP.'S OPPOSITION TO HPE'S MOTION TO TRANSFER (DKT. 87)**

I, Mackenzie Paladino, declare and state as follows:

1. I am a member of the State Bar of New York and an attorney at the firm of Russ August & Kabat, and one of the attorneys for Plaintiff VirtaMove, Corp. in the above-captioned action. I submit this declaration in support of Plaintiff's Opposition to Motion to Transfer. I have personal knowledge of the facts set forth herein, and if called upon to testify, could and would testify competently thereto.

2. Attached as Exhibit 01 is a true and correct copy of an email exchange between VirtaMove's counsel and HPE's counsel regarding meet and confer efforts before the filing of HPE's Motion.

3. Attached as Exhibit 02 is a true and correct copy of HPE's Second Supplemental Initial Disclosures pursuant to Fed. R. Civ. P. 26.

4. Attached as Exhibit 03 is a true and correct copy of a news article published on the Houston Chronicle website, accessible at <https://www.houstonchronicle.com/business/real-estate/article/Hewlett-Packard-Enterprise-set-to-move-into-its-16921943.php>.

5. Attached as Exhibit 04 is a true and correct, partially redacted copy of the Declaration of Greg O'Connor in Support of Plaintiff VirtaMove, Corp.'s Opposition to Motion to Transfer Venue.

6. Attached as Exhibit 05 is a true and correct copy of the Declaration of Mark Woodward in Support of Plaintiff VirtaMove, Corp.'s Opposition to Motion to Transfer Venue.

7. Attached as Exhibit 06 is a true and correct copy of the Docket in Red Hat, Inc. v. VirtaMove Corp., 5:24-cv-04740-PCP (NDCA), as accessed from Pacer on November 5, 2024 and formatted for printing.

8. Attached as Exhibit 07 is a true and correct, partially redacted copy of the Declaration of Paul O'Leary in Support of Plaintiff VirtaMove, Corp.'s Opposition to Motion to Transfer Venue.

9. Attached as Exhibit 08 is a true and correct copy of the Declaration of Dean Huffman in Support of Plaintiff VirtaMove, Corp.'s Opposition to Motion to Transfer Venue.

10. Attached as Exhibit 09 is a true and correct copy of Ernesto Benedito's LinkedIn Profile, formatted for printing.

11. Attached as Exhibit 10 is a true and correct copy of the LinkedIn profile for David Roth as provided by Susan Cameron.

12. Attached as Exhibit 11 is a true and correct screenshot excerpts from TravelMath.com showing that the distance between Ottawa, Canada and San Francisco, California is approximately 2,441 miles and the distance between Ottawa, Canada and Marshall, Texas is approximately 1,335 miles.

13. Attached as Exhibit 12 are true and correct excerpts from the deposition of Phil Estes on August 23, 2024.

14. Attached as Exhibit 13 is a true and correct photo of two of VirtaMove boxes labeled “Patents & Trademarks,” as taken by Susan Cameron.

15. Attached as Exhibit 14 is a true and correct excerpt from VirtaMove’s Second Supplemental Objections and Responses to Amazon’s First Set of Venue Interrogatories in Case No. 7:24-cv-00030-ADA-DTG.

16. Attached as Exhibit 15 is a true and correct copy of VirtaMove’s First Supplemental Disclosures pursuant to Fed. R. Civ. P. 26 in this matter.

17. Attached as Exhibit 16 is a true and correct copy of the venue discovery letter sent to HPE’s counsel on October 22, 2024 via electronic mail.

18. Attached as Exhibit 17 is a true and correct copy of HPE’s letter in response to VirtaMove’s October 22, 2024 letter, dated October 25, 2024 and received via electronic mail.

19. Attached as Exhibit 18 is a true and correct copy of the Federal Court Management Statistics from June 2024, available at <https://www.uscourts.gov/statistics-reports/federal-court-management-statistics-june-2024>.

20. Attached as Exhibit 19 is a true and correct copy of the relevant pages of HPE’s Preliminary Invalidity Contentions Cover Sheet as provided to VirtaMove with the relevant subject art discussed in VirtaMove’s Opposition highlighted.

21. Attached as Exhibit 20 is a true and correct copy of U.S. Patent No. 8,032,625.

22. Attached as Exhibit 21 is a true and correct screenshot of Joel Baxter's LinkedIn profile, formatted for printing.

23. Attached as Exhibit 22 are a true and correct screenshots from TravelMath.com showing that the distance between Fort Collins, Colorado and San Francisco, California is approximately 949 miles and the distance between Fort Collins, Colorado and Marshall, Texas is approximately 813 miles.

24. Attached as Exhibit 23 are a true and correct, highlighted excerpts from the deposition of David Lee on November 1, 2024.

I declare under penalty of perjury pursuant to the laws of the United States that the foregoing is true and correct.

Executed on November 5, 2024 in New York, New York.

/s/ Mackenzie Paladino

Mackenzie Paladino

(NY SBN: 6039366)

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